

U.S. PTO
DEPARTMENT OF COMMERCE

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Docket No.: 105773.0132
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:
Dante E. PICCONE

Original Patent No.: 5,614,737

Patent No.: RE36770

Original Issue Date: March 25, 1997

Reissued: July 11, 2000

Application No.: 09/273,567

For: MOS-CONTROLLED HIGH-POWER
THYRISTOR

Filed: March 22, 1999

SUPPLEMENTAL PETITION FOR RECONSIDERATION UNDER
37 C.F.R. § 1.378(B) AND UNDER 37 C.F.R. 1.83

Attention: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present Supplemental Petition for Reconsideration is filed in response to the Decision on Petition mailed December 8, 2008 (hereinafter referred to as the "PTO Decision"), and in supplement to the Petition for Reconsideration filed February 9, 2009. A copy of the Decision is attached hereto. The Petitioner respectfully requests reconsideration in light of the additional information provided herein, which shows that the Petitioner exercised the standard of care observed by a reasonable person in the conduct of that person's most important business and that the delay in paying the maintenance fee was therefore unavoidable. The undersigned hereby authorizes and requests the Office to charge the required ~~15~~ ¹⁷ petition fee of \$400.00 under 37 CFR 1.17(h) to Deposit Account No. 23-2185. Any other fee that is due is also ~~15~~ ¹⁷ due.
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RE36770

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The Petitioner has not received any Decision from the PTO with respect to the Petition for Reconsideration filed February 9, 2009. Accordingly, this Supplemental Petition should be timely. It is noted, however, that the status of the patent on PAIR indicates that on April 20, 2009, the patent expired. In the event that it is not, however, Petitioner hereby petitions under 37 CFR §1.183 for a suspension of the rules to have the present petition considered. A suspension of the rules is warranted in light of the Notice of Intent to Supplement filed by the Petitioner on February 18, 2009, notifying the PTO that it intended to file additional statements in support of its petition. The undersigned hereby authorizes and requests the Office to charge the required petition fee of \$400.00 under 37 CFR 1.17(f) to Deposit Account No. 23-2185. Any other fee that is due is also authorized.

The PTO Decision

The PTO Decision denied the Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent, which was filed September 25, 2008 (hereinafter referred to as "Petition"). The PTO Decision was based on the following reasons: (1) that the Petition failed to attribute the error to any employee in particular; (2) that the Petition only had sparse details; (3) that a statement is required from all persons with direct knowledge; and (4) that the Petition does not explain why the firm hadn't noticed why the patent had been expired for six years. (See PTO Decision, pp. 4-5.) A detailed response is provided below. In addition, a Statement by Andrew Yost is being filed herewith in support of the present Petition for Reconsideration (hereinafter referred to as "Reconsideration Statement").

Issue 1: Failure to Identify a Particular Person

The PTO Decision indicates that the Petition failed to attribute the error to any employee in particular. (See PTO Decision, p. 4.) As stated in the current Reconsideration Statement, the

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firm's Docketing Manager at the time was Linda Bynum-Cosby. Ms. Cosby's supervisor at the time was Rebecca F. South. A Statement by Ms. South is submitted herewith.

A chronology of events is attached as Exhibit A to Ms. South's Statement. The erroneous docketing error occurred in Nov 20, 2000, at which time Ms. South was the Manager of the DC office, and Ms. Cosby was the Supervisory Docketing Manager. (South Statement, ¶4.) The payment of the second maintenance fee was in August 2004, when the firm did not have a Maintenance Fee Clerk. (South Statement, ¶22.) Accordingly, the maintenance fee was paid by the Docketing Department under Ms. Bynum-Cosby's control. (South Statement, ¶22.) In Nov. 2000, Ms. Bynum-Cosby had been with the firm for 1.5 years, and had five years of previous docketing and supervisory experience, and an additional three years of experience as an IP Specialist. (See South Statement, ¶5.) Accordingly, reliance on Ms. Bynum-Cosby represented the exercise of due care for its most important business.

Issue 2: Comprehensive and Exhaustive Evidence

The PTO Decision indicates that any renewed petition must be accompanied by comprehensive and exhaustive evidence that a clerical error resulted in the unavoidable delay in paying the 3.5-year maintenance fee. The Reconsideration Statement provides additional detail that supports the inevitable conclusion that the delay was due to clerical error, as well as that the delay was unavoidable as a result of that clerical error. (See Reconsideration Statement, ¶21.) In addition, Ms. South's Statement further corroborates that information and provide additional details that support the conclusion that the payment of the maintenance fee was an unavoidable delay. (See South Statement, ¶27.)

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Issue 3: Statement Required from All Persons with Direct Knowledge

The PTO Decision indicates that a statement is required from an employee charged with handling the payment of the maintenance fee, who has first-hand knowledge of the circumstances that resulted in the delay. (See PTO Decision, p. 4.) The Reconsideration Statement submitted a Statement by Mr. Andrew Yost. Though Mr. Yost was not employed by the firm at the time of the facts, he has reviewed the relevant documents and information entered into the firm's docketing software. Accordingly, his statement is made on the direct knowledge obtained from those documents, such as the docket record for the patent at issue, a copy of which was attached to his prior statement. (See prior Statement dated Sept. 25, 2008, ¶10.)

In addition, a Statement by Ms. South is submitted herewith. Ms. South had direct knowledge of the events. Ms. South is no longer employed by the firm. (See South Statement, ¶1.)

Issue 4: Not Discovering the Patent Being Expired

The PTO Decision requests information as to why the Petitioner had not discovered that the patent was expired for six years, and questions whether the firm had contacted the PTO to determine the status of the patent. (See PTO Decision, p. 5.) Based on information and belief, the 7.5 maintenance fee was paid by facsimile within the open period for the payment. Accordingly, there was no reason to expect that the payment would be denied, and therefore no reason to check to see if the payment was not accepted.

As noted in Ms. South's Statement:

The 7.5 year maintenance fee was timely paid with sufficient funds in the deposit account. Thus, in accordance with the firm's procedures, maintenance fee statements and deposit account activity for the subject patent was not monitored. It was believed that the Office accepted payment of the 7.5 year maintenance fee

and that the patent remained in force. A letter dated August 27, 2004, and addressed to the patent owner acknowledged receipt of the instructions to pay the 7.5 year maintenance fee and indicated that the fee had been paid or would be paid by the due date. A copy of this letter is attached hereto as Exhibit F.

Conclusion

It is respectfully submitted that the PTO's assertion that it would be reasonable for the Petitioner to confirm the payment was accepted, is improper and that Petitioner's actions were consistent with the treatment of the maintenance as Petitioner's most important business. The Petitioner was not relying the PTO for notice of the maintenance fee deadlines, but had a reliable docketing system in place. That docketing system was being implemented by a veteran docketing manager having 4-6 people under her direction. (South Statement, ¶5.) A separate Maintenance Fee Clerk was assigned the role of paying all U.S. Maintenance Fees.

Accordingly, it has been established that there were several errors in this matter. First, that the maintenance fee deadlines were improperly docketed in about Nov. 20, 2000. Second, that the missed payment of the 3.5 year maintenance fee was not noted when the first error was corrected. And, that the firm's procedure of reviewing the status of the patent "prior to" making payment of the 7.5 year maintenance was not followed, which should have identified that the earlier maintenance fee had not been paid. But for these clerical errors, the maintenance fees would have been timely paid.

In addition, it has been established that there was a business routine in place for performing the clerical function. The Petitioner had employed an entire docketing department including a Maintenance Fee Clerk, and was utilizing docketing software. (South Statement, ¶¶5, 8.) The business routine included that the Docketing Department would docket maintenance fee deadlines in the docketing software. (South Statement, ¶11.) The Maintenance

Fee Clerk would identify those deadlines, and make timely payment of the maintenance fee once any discrepancies in the matter were cleared. (South Statement, ¶¶12-13.) That business routine could reasonably be relied upon to avoid errors in its performance.

Finally, it is clear that Ms. Bynum-Cosby was sufficiently trained and experienced. Prior to arriving at the Petitioner, Ms. Bynum-Cosby had five years previous docketing and supervisory experience and an additional three years for experience as an IP specialist. (South Statement, ¶5.) Reliance upon Ms. Bynum-Cosby represented the exercise of due care for the Petitioner's most important business.

Request for Interview

In the event the Office has any questions or is inclined to deny this Supplemental Petition for Rehearing, undersigned counsel requests an interview with the Petitions Attorney to identify any issues that the Office may consider to not be met by the present Supplemental Petition for Rehearing.

Request for File

The Petitioner further notes that it has been attempting to obtain a copy of the file history at the PTO to see if any additional facts can be ascertained. However, the file history is not currently available because it is with the Petitions Office. In the event the PTO intends to deny the present Supplemental Petition, it is respectfully requested that it release the file so that the Petitioner can gain access to its contents, and that an additional response time be provided by which Petitioner can file another supplemental response.

Deposit Account

The undersigned hereby reaffirms earlier authorization and request to the Office to charge any outstanding petition fees, maintenance fees, and surcharges to Deposit Account No.

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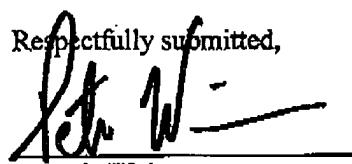
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23-2185 necessary to restore this patent to granted status. This authorization and request to charge includes the \$400.00 petition fee required by 37 CFR 1.17(h). Authorization to charge the 11.5 year maintenance fee to Deposit Account No. 23-2185 was originally provided on September 25, 2008.

For the reasons set forth above, Petitioner respectfully requests reconsideration of the Decision on Petition.

Dated: May 6, 2009

Respectfully submitted,



Peter S. Weissman
Registration No. 40,220

Blank Rome LLP
600 New Hampshire Ave., NW
Washington, DC 20037
(202) 772-5800

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Dante E. PICCONE Original Patent No.: 5,614,737
Patent No.: RE36770 Original Issue Date: March 25, 1997
Reissued: July 11, 2000 Application No.: 09/273,567
For: MOS-CONTROLLED HIGH-POWER Filed: March 22, 1999
THYRISTOR

STATEMENT BY REBECCA F. SOUTH IN SUPPORT OF PETITION FOR
RECONSIDERATION UNDER 37 C.F.R. § 1.378(B)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

This statement is submitted in support of a Petition for Reconsideration under 37 C.F.R. § 1.378(b).

The undersigned hereby states that:

1. I was employed in a number of capacities by the law firm of Blank Rome LLP ("the firm") from September 1, 1994 to October 17, 2008. Prior to joining Blank Rome, I had four and one half years experience managing a legal office in the United States Senate combined with managing the business matters of a national association.

2. From September 1, 1994 to July 1, 2003, I was the Washington, DC Office Manager. In that position, I directly supervised all support staff at the Washington, DC office to, among other things, ensure compliance with overall firm policies and procedures. In September 1994, I directly or indirectly supervised 5 employees, which increased to 35 employees by July 2003. Also, from approximately October 2003 until early 2005, I was asked by Firm leadership

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to function as an interim IP Administrator in addition to my responsibilities of a new position which I undertook in July 2003. In these roles, I reported to the Washington office Administrative Partner and Senior Administration in Philadelphia regarding the operations of the office and the IP Department. My responsibilities included identifying staffing needs; interviewing, referencing and hiring support staff; development and retention of support staff; and administering forms and procedures.

3. As the Washington, DC Office Manager, I oversaw the operation of the patent group of the Firm. My direct responsibilities included oversight of the Firm docketing procedures and any problems relating to the patent matters handled by the firm. I was the direct supervisor of the Supervisory Docketing Manager of the Firm.

4. From February 24, 1999 to October 10, 2006, the Supervisory Docketing Manager was Linda Cosby. Ms. Cosby directly reported to me, and would alert me to any patent-related issues, including docketing procedures, docket staff, missed deadlines, incorrectly docketed matters. Ms. Cosby and I met on a regular basis to review docketing matters.

5. During my employment, the work associated with payment of maintenance fees was supervised by Linda Cosby, who was under my direct management and supervision. At the time of the initial error in 2000, Ms. Cosby had been with the firm for one year, and had five years previous docketing and supervisory experience and an additional three years of experience as an IP specialist. There were approximately 4-6 persons working for Ms. Cosby at that time, including Docketing Clerks, a Maintenance Fee / Foreign Annuity Clerk, and a formalities officer.

6. Based on my review of the documents, which are attached as Exhibits A-F to this Statement, two errors led to an unavoidable delay in the 3.5 year and 7.5 year maintenance fee payments of the subject patent and occurred during the period of my employment. The first error

occurred sometime in 2000 during the process of docketing maintenance fees. The second error occurred sometime in 2004 when the first error was discovered and corrected, but the maintenance fee record was not properly reviewed. A chronology of the events described below is attached as Exhibit A.

7. During my employment, the firm's system for attending to the payment of maintenance fees operated as follows. The firm used Thomson Master Data Center's IPMaster™ docketing software to maintain its case records and track due dates. When the firm first received official notice of a grant date and patent number, normally upon receipt of the official Issue Notification, a docketing clerk was responsible for entering this information into the case record in the grant date field. When that field was populated, i.e., the grant date was entered, the software automatically calculated and entered into the case record the first, second, and third U.S. maintenance fee due dates. In addition, the docketing clerks would manually confirm and enter the first U.S. maintenance fee due date in the "actions" tab of the software.

8. The firm's system included a software add-on maintenance fee program developed by Mind's Eye Development, which interfaced with the basic docketing software. The module containing this add-on software provided a maintenance fee clerk with an independent tracking mechanism for maintenance fees, as well as for generating client reminder and instruction acknowledgement letters.

9. Any post-issue communications mailed by the Office, for example, Maintenance Fee Reminders and Notices of Patent Expiration, were noted in the IPMaster™ software. Upon receipt of a Notice of Non-Acceptance of Payment, a response due date would be docketed in the "actions" tab of the software.

10. All of the above entries, automatic and manual, were revisited and reconfirmed upon receipt of an original Letters Patent. Based upon my knowledge, the docketing aspects of

the firm's maintenance fee payment system were sound, securely redundant, effective, and worthy to be relied upon to track our most important business.

11. Under the firm's maintenance fee system at the time of my employment, a maintenance fee clerk was assigned to report to Ms. Cosby for training to assume working responsibility for the following set of highly structured tasks: creating and assembling the maintenance fee file (with a copy of the patent face and any maintenance-fee-related correspondence); initiating system generation of client reminder letters through the maintenance fee module software; receiving and tracking receipt of client instructions (to pay or not to pay the maintenance fee); making sure that the Docketing Department was in possession of the client instructions by the due date for docket clearing purposes; initiating generation of instruction acknowledgement letters (and invoices, where applicable) to the client through the add-on maintenance fee module; where the client instructions were to pay, preparing the maintenance fee transmittal and obtaining the necessary check or credit card authorization form from the firm's Accounting Department; and obtaining attorney signature and submitting the signed documents and fees to Ms. Cosby for review and hand delivery (by the firm's appointed courier) or facsimile transmission to the U.S. Patent and Trademark Office.

12. It was not the firm's practice to docket status checks for maintenance fee statements and deposit account activity for maintenance fees believed to be paid on time. Rather, under the firm's system, anomalies, inconsistencies, questions and the like were to be resolved prior to taking action, but the docket record indications in general were to be reconciled with the maintenance fee files as soon as possible and definitely before any due date was cleared from the docket.

13. To secure this safeguard, the maintenance fee clerk was required to make sure that the Docketing Department was in possession of the client's instructions required to clear the

docket so that the maintenance fee file information would be added to the electronic file record to ensure the docket was cleared based on a complete and correct record, with any discrepancies having been resolved and removed expeditiously.

14. At the time of my employment, separate maintenance fee files were kept in addition to the firm's main prosecution files in order to streamline and simplify the maintenance fee tracking and payment process and its associated recordkeeping. All and only maintenance-fee-related documents were kept in those files. Also, unlike the firm's general prosecution files, maintenance fee files were created, maintained and stored by and in the maintenance fee clerk's file cabinets. All firm maintenance fee clerks were therefore intimately familiar with these files and aware that reference to them is essential for any information and instructions relating to maintenance fee payment (or nonpayment) in any given case.

15. Based on my experience, the above-described procedures were believed to be sufficient to docket and monitor maintenance fee due dates and payments and employment of additional safeguards were not believed to be required. The above shows that the firm established and maintained reasonable safeguards to ensure that the maintenance fee clerks had ready access to all pertinent information in the payment of maintenance fees and that the firm took all reasonable precautions to ensure that the maintenance fees would be timely paid. Accordingly, it is my opinion that there was in place a business routine for performing the clerical function of paying maintenance fees, and that the business routine could reasonably be relied upon to avoid errors in its performance.

16. In the present case, a first error occurred in that the 3.5 year maintenance fee was not docketed properly. As noted above, it was standard practice to enter the patent grant date into Thomson Master Data Center's IPMaster™ for calculation of maintenance fee due dates upon receipt of an Issue Notification. The Issue Notification for the subject patent was received on

June 28, 2000. However, the Issue Notification was not properly processed. Based upon my review of the documents, it appears that it was not noted during the docketing of the maintenance fees that the subject patent was a reissue patent, and the docketing entry at the time of receiving the Reissue Notification mistakenly changed the year (but not the month and day) to that of the Reissue. Consequently, the 3.5 year maintenance fee was erroneously docketed for September 25, 2004, i.e., based on the year of the reissue patent rather than the issue year of the original patent. A copy of the Issue Notification with the Blank Rome "Docketing" stamp contains a notation indicating that maintenance fees were docketed for these dates is attached hereto as Exhibit B. As indicated on the Issue Notification, the 3.5 year, 7.5 year and 11.5 year maintenance fees were erroneously docketed for September 25, 2004, September 25, 2008, and September 25, 2012, respectively. No errors were identified in the docketing of maintenance fees in connection with the subject patent upon receipt of the Issue Notification.

17. Due to the errors in docketing, the correct 3.5 year maintenance fee due date was not entered into the docketing and maintenance fee software and the software did not generate a reminder in advance of the correct 3.5 year maintenance fee due date, September 24, 2000. Consequently, the docketed deadline was September 25, 2004, for the 3.5 year maintenance fee, which was three years after the actual deadline of March 25, 2001 (including the six-month grace period). As a result of this clerical error in entering the base date for maintenance fee due date calculation, the 3.5 year maintenance fee was not paid and the maintenance fee clerk and docketing staff were not alerted to the failure to make a payment.

18. Apparently, as the erroneous September 25, 2004, deadline drew near, the error in docketing maintenance fee due dates was noted and corrected as part of the firm's procedures to note any issues prior to taking action (see ¶ 9, above). Thus, the docket record for the patent currently identifies correct maintenance fee due dates. A copy of the docket record is attached

hereto as Exhibit C. Due to limitations in the docketing and maintenance fee software, it is not possible to identify the specific employee and date on which the error was noted and corrected.

19. Believing the patent to be in force based on the firm's docketing and maintenance fee records, a maintenance fee due date reminder was forwarded to the client on June 18, 2004 by SueAnne Sopko, the Maintenance Fee Clerk at the time. (Ex. D.) The reminder indicated that the "Year 8 Tax" was due September 25, 2004. That date is automatically retrieved from the docketing software and reflects the docket and maintenance fee record at the time. Thus, the error in docketing the 3.5 year maintenance fee due date was noted and corrected sometime prior to June 18, 2004.

20. However, a second error occurred in that the docketing record and maintenance fee file were not fully reviewed when the docketing error in the 3.5 year maintenance fee due date was noted and corrected. The clerical error resulted in failure to note nonpayment of the 3.5 year maintenance fee at the time the docketing error was corrected.

21. The client returned the reminder form on August 20, 2004, with instructions to pay the 7.5 year maintenance fee. A copy of the form returned by the client is attached hereto as Exhibit D. The client's instructions were noted in the docket record for the subject patent. (See Exhibit C, Box 1; the boxes were added for purposes of identification.)

22. SueAnne Sopko was no longer employed by the firm on August 20, 2004, and a new Maintenance Fee Clerk had not yet been assigned. During that time, the Docketing Department was making payment of all maintenance fees.

23. As noted above, it was standard practice at the time of the above error to reconcile and resolve anomalies, inconsistencies, questions and the like prior to taking action, and before any due date was cleared from the docket. However, the Docketing Department was

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not aware of the error in docketing the 3.5 year maintenance fee and the subsequent correction thereof.

24. Authorization to charge the 7.5 year maintenance fee to Deposit Account No. 23-2185 was provided to the Office on August 27, 2004, and receipt of said authorization was acknowledged by the Office. Funds sufficient to process the 7.5 year maintenance fee were available in the deposit account on August 27, 2004. A copy of the authorization and acknowledgement is attached as Exhibit E. Transmittal of payment was noted in the docket record for the patent (see Exhibit C, Box 2).

25. The 7.5 year maintenance fee was timely paid with sufficient funds in the deposit account. Thus, in accordance with the firm's procedures, maintenance fee statements and deposit account activity for the subject patent was not monitored. It was believed that the Office accepted payment of the 7.5 year maintenance fee and that the patent remained in force. A letter dated August 27, 2004, and addressed to the patent owner acknowledged receipt of the instructions to pay the 7.5 year maintenance fee and indicated that the fee had been paid or would be paid by the due date. A copy of this letter is attached hereto as Exhibit F.

26. No Notice of Non-Acceptance of Patent Maintenance Fee was received by the firm, otherwise it would appear in the docket record (Exhibit C).

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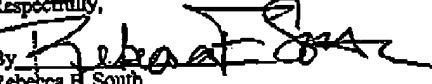
Docket No.: 105773.0132

27. I did not identify any errors in the initial docketing of maintenance fees in connection with the subject patent. I was not informed of any anomalies or inconsistencies with the docket record subsequent to the initial docketing of maintenance fees or at the time of maintenance fee payments. Based on this, the above-described clerical errors resulting from human error resulted in the unavoidably delayed payment of the 3.5 year and 7.5 year maintenance fees.

Dated:

5/5/09

Respectfully,

By: 
Rebecca F. South

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Chronology relating to RE36770

Date	Action	Due Dates Docketed
3/25/1987	Original Patent 5,614,737 Issued	
3/22/1989	Reissue filed	
8/20/2000	Issue Notification Mailed in Reissue	
8/28/2000	Issue Notification Received	
7/11/2000	Letters Patent in Reissue	
7/12/2000	Letters Patent in Reissue Received	
9/25/2000	3.5 year MF due (based on issue date of original patent)	9/25/2004
11/12/2000	MFs erroneously docketed in Reissue*	9/25/2004
	3.5 year MF	9/28/2008
	7.5 year MF	9/25/2012
	11.5 year MF	
3/25/2001	9 month grace period ends for 3.5 year MF	
sometime before 08/18/04	Error in MF docking corrected**	
	3.5 year MF	9/25/2000
	7.5 year MF	9/25/2004
	11.5 year MF	9/25/2008
6/18/2004	7.5 year reminder sent to client	
8/20/2004	Instructions to pay 7.5 year received	
8/27/2004	7.5 year MF paid	
9/25/2004	7.5 year MF due	
3/25/2005	6 month grace period ends for 7.5 year MF	
7/1/2008	11.5 year reminder sent to client	
7/23/2008	Instructions to pay 11.5 year received	
9/1/2008	Non-payment of 3.5 yr and non-accept of 7.5 yr noted	
8/25/2008	11.5 year MF due and Paid/Petition filed	3/25/2009
9/30/2008	Notice of Non-Acceptance of Payment	

*Based on year of Reissue and month/day of Original Patent 5,614,737

**Non-payment 3.5 year MF not noted at time of correction.

EXHIBIT
A

ISSUE NOTIFICATION



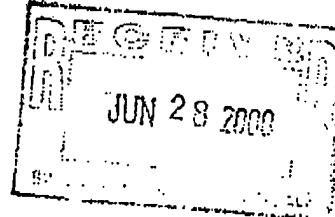
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MCG

APPLICATION NUMBER	PATENT NUMBER	ISSUE DATE	ATTORNEY DOCKET NO.
09/273,567	RE36770	07/11/00	105773.00110

6770
BLANK ROME COMISKY & MCCUALEY
WIGMAN COHEN LEITNER & MYERS
THE FARRAGUT BUILDING SUITE 1000
900 17TH STREET NW
WASHINGTON DC 20006

7707



APPLICANT(S) DANTE E. PICCONE, GLENMOORE PENNSYLVANIA

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Action Due _____ Due Date _____

Mount 3 1/2 due 9/25/04
7.5 9/26/08
11.50 9/26/12



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Patent Case Print 105773.0132 SMALL ENTITY

EXHIBIT

C

CONFIDENTIAL

BEAMK
ROMEPatent: 105773.0132 USA
Silicon Power Corporation

MOS-CONTROLLED HIGH-POWER THYRISTOR

SMALL ENTITY Patent

Country:	USA	Agent:	Application: 3/22/1999 09/273567
Status:	Granted	Client/Division:	Publication:
Sub Status:	Issued	Silicon Power Corporation	
Case Type:	REISSUE PATENT	Client Reference:	Patent: 7/11/2000 RE36770
Relation Type:	ORIGINAL OR PATENT CASE	Operating Group:	Parent: 7/19/1995 USA 08/504335
Filing Type:	NATIONAL CASE	Current Owner:	1st Filed: 7/19/1995
Filing #:		Previous Owner:	Tax Base: 9/25/1997
Attorney:	Peter S. Weissman	Confirmation Number:	Next Tax:
Associate:	Peter S. Weissman	Convention Type:	Expires: 7/19/2015
File Location:	Washington, D.C. Office	Created 3/22/1999 by LBC	
		Updated 9/10/2008 by dbo	

Inventors

Inventor Name Assignment Date Inventor Reel Frame
PICCONE Dante E.

Actions

Action	Action Due Date	Deadline Date	Completed Date	Notes
No Foreign Filing				NO FF PER MCS PER NANCY E-MAIL DTD 12/23/1999
1 1/2 Year U.S. Maintenance Fee	9/25/2012			
Expiration Date	7/19/2015			
Parent Filing Date		7/19/1995		
Filed		3/22/1999		
Filing Receipt Received?		4/19/1999		
Foreign Filing License Granted		4/19/1999		
Amendment		10/8/1999		RESP TO OA W/ LTRS PATENT FILED 10/08/1999- 2. NO OA DTD 8/26/1999 LST DAY 2/26/2000****
Issue Fee		3/3/2000		
Issue Notification		6/28/2000		Awaiting??
3 1/2 Year U.S. Maintenance Fee		9/25/2000		
7 1/2 Year U.S. Maintenance Fee		8/27/2004		PER CLT INSTR DTD 8/18/04 PLS PAY

Description

REISSUE PATENT APLN ENCL w/TRANS, SPECF, CLAIMS, DRGS, STMT UNDER 37 CFR 3.73(b) & OFFER TO SURRENDER PATENT STMT FILED 3/22/1999---- OPR DTD 4/19/1999 REC'D 4/28/1999---- PTO 2 MOS OA DTD 8/26/1999 REC'D 8/27/1999 AMDT DUE 10/26/1999 LST DAY 2/26/2000**** RESP TO OA W/ LTRS PATENT FILED 10/08/1999---- PTO NOA DTD 12/15/1999 REC'D 12/16/1999 ISSUE FEE DUE 3/15/2000**** NO FF PER MCS PER NANCY E-MAIL DTD 12/23/1999---- ISSUE FEE PAID 3/3/00---- PTO ISSUE NOTF REC'D 6/28/00---- LTRS PATENT REC'D 7/12/00---- SOFT COPIES REC'D 7/21/00---- OUR RTN LTR DTD 6/18/04 REC'D 8/20/04 w/INSTR TO PLS PAY 8TH YR TAX DUE 9/25/04---- MAINT FEE TRANSMITTAL (IN DUPL.), FEE DTD 6/18/04 REC'D 8/20/04 w/INSTR TO PLS PAY 8TH YR TAX DUE 9/25/04---- DEPT. ACCT---- OUR RTN LTR DTD 07/18/08 REC'D 07/23/08, ACKLN INSTRS. TO PAY ADDRESS FORM FILED 8/27/04----

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9/25/2008

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EXHIBIT

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MB

600 New Hampshire Ave., N.W., Washington, DC 20037
Phone: 202.772.5800 • Fax: 202.572.8398

BLANK ROME LJune 18, 2004

REMEMBER

Silicon Power Corporation
252 Welsh Pool Road
Exton, PA 19341

AUG 20 2004

Return Date: Wednesday, August 25, 2004

RECEIVER
COUNSELORS

Our records indicate that payment of the maintenance fee(s) for the following U.S. patent(s) is(are) due on the indicated dates to keep the patent(s) in force. **NON PAYMENT OF MAINTENANCE FEES WILL RESULT IN LOSS OF PATENT RIGHTS.** To ensure timely payment of the fee(s), please let us have your instructions for payment by checking the "yes" or "no" box in the list below and returning it to us not later than the above RETURN DATE.

The total fees are based on current government fees and take into account any applicable reductions for small entities. **Delayed Instructions for payments requiring special rush handling or payment after the DUE DATE (with government surcharge) will result in higher costs.** Since future maintenance fees may be affected by a change in a patent owner's small or large entity status, advise us promptly of any such change so we can properly calculate future maintenance fees. In the absence of further advice, we shall assume that the fee status for any patent listed below is the same as currently shown in our records.

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SILICON POWER CORPORATION

Sincerely,

SueAnne Sopko
Annuities/Maintenance Fees
Sopko@blankrome.com

105773.0132

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Action Date

Patent Number	Our Reference	Your Reference	For Year & Tax	Due Date (m/d/y)	Amount Due	Pay? Please check one
RE36770	105773.0132			8/25/2004	\$1,345.00 SMALL ENTITY	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES

Special Instructions:

Authorized By:

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August 27, 2004

Assistant Commissioner for Patents
 Box M Fee
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Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

A check in the amount of _____ for the full payment of the maintenance fee(s) and any necessary surcharge on the following patent(s) is enclosed.

The Commissioner is hereby authorized to charge \$4,955.00 to cover the payment of the fee(s) indicated below to Deposit Account No. 23-2185.

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 23-2185.

Patent Number	Grant Date	Application Number	Attorney Reference	For	Fee Status	Maintenance Fee	Surcharge
5808167	3/4/1997	08/390980	000364.0046	Year 8 Tax	LARGE ENTITY	\$2,090.00	\$0.00
6204396	3/20/2001	08/472556	110644.0101	Year 4 Tax	SMALL ENTITY	\$455.00	\$0.00
6248502	6/19/2001	09/631976	000528.0007	Year 4 Tax	SMALL ENTITY	\$465.00	\$0.00
6249700	6/19/2001	09/449444	001308.0052	Year 4 Tax	LARGE ENTITY	\$910.00	\$0.00
REX6770	7/11/2000	09/273587	106773.0132	Year 8 Tax	SMALL ENTITY	\$1,045.00	\$0.00
Subtotal:						\$4,955.00	
Total Payment						\$4,955.00	

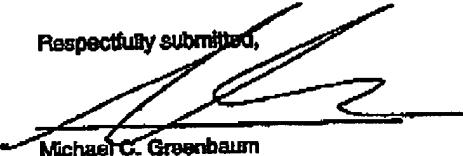
Customer Number: 002779

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Respectfully submitted,


 Michael C. Greenbaum
 Attorney for applicant
 Registration number: 28,419

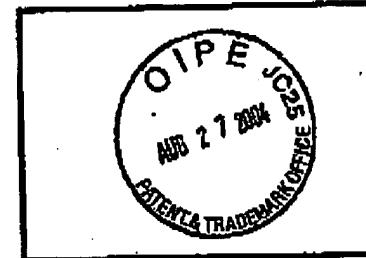
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August 27, 2004

**THE OFFICIAL DATE STAMP HEREON BY THE U.S.
PATENT AND TRADEMARK OFFICE WILL ACKNOWLEDGE
RECEIPT OF THE FOLLOWING:**

- Fee Address Form
- Maintenance Fee Transmittal (duplicate)

Patent Number	Grant Date	Application Number	Attorney Reference
5808167	3/4/1997	08/590880	000384.0046
6204396	3/20/2001	08/472596	110544.0101
6248502	6/19/2001	08/631975	000529.0007
6249700	6/19/2001	08/449444	001309.0052
RE38770	7/11/2000	08/273667	105773.0132



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RE38770
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Application Number
Attorney Reference
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August 27, 2004



Silicon Power Corporation
Carolyn Yagley
252 Welsh Pool Road
Exton, PA 19341

We confirm receipt of your instructions regarding payment or non-payment of the maintenance fees for the U.S. patent listed below. If we received no instructions regarding payment of a maintenance fee, we did not take any action in the matter and we have confirmed below that instructions have not been received. U.S. Patent Office receipts for payment(s) made will be sent to you later.

Any patent for which the maintenance fee is not paid will lapse on the fourth, eighth or twelfth anniversary of the date of grant, unless the fee and additional government surcharges is paid within a grace period of six months after the due date. If your records do not agree with this acknowledgement, please contact us immediately and inform us of your instructions for the payment of these fees.

Patent Number	Our Reference	Your Reference	For	Due Date (m/d/y)	Amount Due	Instruction/ Date Received
RE36770	105773.0192		Year 8 Fee	9/25/2004	\$1,345.00 SMALL ENTITY	Pay Fee August 18, 2004
MOS-CONTROLLED HIGH-POWER THYRISTOR						

Authorized payments will be or have been made by the due date, and we have now debited your account for same. Any credits for advance payment of the fees will appear on your invoice or monthly statement.

Sincerely,

Blank Rome, LLP
Annutes/Maintenance Fees